IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 218 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT ELECTRICITY BOARD

Versus

SHAH ALLOYS LTD.

Appearance:

1. Appeal from Order No. 218 of 1998

MR TUSHAR MEHTA for Petitioner No. 1-2

NANAVATI ASSOCIATES for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 20/09/2001

ORAL JUDGEMENT

1@!. This Appeal was initially filed by learned Counsel Shri Tushar Mehta for the appellant - original defendant. Today when it was called out Shri Mehta for the appellant stated at the bar that the appellant

Electricity Board and its Executive Engineer long back have taken away the papers from him and entrusted the same to some other Advocate. However, so far the Board has not made any alternative arrangement. In that view of the matter this Court would have straightway dismissed the Appeal for non-prosecution. However, it is stated at the bar by Mr.Mehta, on his impression, that after the passing of the order the respondent consumer filed writ petition wherein Shri M.D.Pandya appeared for Electricity Board and most probably the matter is settled. If it is so, then this Appeal would not survive, but Mr.Mehta wanted to make definite statement in this matter for which he wanted time upto Tuesday 25.9.2001.

2. However, I am of the opinion that this matter should not wait any more because it is an old matter of 1998 and the fact that after taking away the papers from Mr.Mehta the appellants have not bothered to make any alternative arrangement of other Advocate for appearing on behalf of the Board. Accordingly this Appeal is dismissed. However, it is made clear that in case of any difficulty the appellant can apply.

As the main Appeal is dismissed, Civil Application Nos.4485/98 and 4688/98 will not survive. Hence the same also stand disposed of.

sd/-

Date : September 20, 2001 (B.J.Shethna, J.)

sas